

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Rice Road Recyclery and Transfer Station
SWIS No. 10-AA-0145
August 15, 2013

Background Information, Analysis, and Findings:

This report was developed in response to the Fresno County Department of Community Health (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Rice Road Recyclery and Transfer Station, SWIS No. 34-AA-0145, located in Fresno County. The facility is operated by Allied Waste Transfer Services of California, LLC. The property is owned by Rice Road Land Reclamation Company, Inc. A copy of the proposed permit is attached. The report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

A proposed permit was received on July 8, 2013. Another version of the proposed permit was received on August 5, 2013. Action must be taken on this permit no later than October 4, 2013. If no action is taken by October 4, 2013, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (1990)	Proposed Permit
Name and Mailing Address of Operator	Browning Ferris Industries of California PO Box 9369 Fresno, CA 93792	Allied Waste Transfer Services of California, LLC 5501 N. Golden State Blvd Fresno, CA 93722
Name and Mailing Address of Owner	Allen J. Volpa, Sr.	Rice Road Land Reclamation Company, Inc. 30493 Gooseberry Lane Prather, CA 93651

No changes in maximum tonnage, traffic limits, waste types, facility footprint or other significant operations are proposed.

Other Changes Include: Updated Report of Facility Information in the form of a Transfer/Processing Report (TPR) reflecting current operations and updated conditions correcting outdated language.

Key Issues

The proposed permit will allow for the following:

Updated Transfer Processing Report (TPR) reflecting changes to operations, including elimination of the buy-back center, discontinuation of sorting and bailing activities, reduced Saturday hours, and removal of some operating equipment.

Background:

The Rice Road Recyclery and Transfer Station is located at 10463 North Rice Road in Fresno, and currently operates under a full Solid Waste Facilities Permit issued in 1990 and most recently reviewed on December 6, 2012. The facility is permitted for the transfer/processing of 400 tons per day of construction and demolition waste.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated June 21, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on December 12, 2012. The LEA provided a copy to the Department on December 14, 2012. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received proposed Solid Waste Facilities Permits on July 8, 2013, and August 6, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received by CalRecycle on July 8, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated July 17, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 16, 2013. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on June 21, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See CEQA information below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	The proposed modified permit was noticed consistent with Title 27 CCR 21660.3.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 16, 2013, and found the facility is in compliance with applicable state minimum standards and permit conditions

Based on the LEA's monthly inspection reports, there have been no violations noted for the past 5 years.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Fresno County Department of Public Works and Planning prepared a Notice of Exemption on July 30, 2013, in order to reflect changes to the facility operations, elimination of a buy-back center, discontinuation of sorting and baling activities, reduced Saturday hours, and removal of unused equipment.

The LEA has determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's initial approval of the project. A Notice of Exemption was filed with the Fresno County Clerk on July 30, 2013.

Department staff prepared a Preliminary Review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities was adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the

proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements.

The Fresno County Environmental Health Division conducted an informational meeting on March 22, 2013. No members of the public attended the informational meeting, and no correspondence was received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting held on July 16, 2013 and August 20, 2013.